

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
SEPTEMBER 14, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD, MACOMB, MI 48042

PRESENT: CHAIRMAN, BRIAN FLORENCE
MEMBERS: EDWARD GALLAGHER
TONY POPOVSKI
VICTORIA SELVA
DAWN SLOSSON

ABSENT: NONE.

ALSO PRESENT: JEROME R. SCHMEISER, PLANNING CONSULTANT
COLLEEN O'CONNOR, TOWNSHIP ATTORNEY
(Additional attendance record on file with Clerk)

Call Meeting to Order.

Chairman FLORENCE called the meeting to order at 7:04 P.M.

1. Roll Call.

Secretary SLOSSON called the Roll Call. All members present.

2. PLEDGE OF ALLEGIANCE.

3. Approval of Agenda Items. *(with any corrections)*
Note: All fees have been received and all property notices were notified by mail

MOTION by GALLAGHER seconded by POPOVSKI to approve the agenda as presented.

MOTION carried.

4. Approval of the previous meeting minutes:

MOTION by POPOVSKI seconded by GALLAGHER to approve the meeting minutes of July 13, 2004 as presented.

MOTION carried.

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PURPOSE OF HEARING:

To consider the requests for variance(s) of Zoning Ordinance No. 10 for the following:

Agenda Number/Petitioner/ Permanent Parcel No.	Zoning Ordinance Section No.
5. The Aspen Permanent Parcel No. 08-33-478-001	Section 10.0605(I)(6)(c)
6. Craig S. Pomaville Permanent Parcel No. 08-21-352-002	Section 10.0704(3)(d) 10.0704(3)(b) 10.0704(1)
5. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE; Permission to vary section: 10.0605 I6c, Request to increase a sign from 32 square feet to 86 square feet. Located on the North side of Hall Road, west of Heydenreich Road; Section 33; The Aspen, Petitioner. Permanent Parcel No. 08-33-478-001.	

Chairman FLORENCE read the findings and recommendations of September 9, 2004.
They are as follows:

The petitioner is requesting a variance to allow two signs of 43 square feet each to be situated on the east and west elevations of the building.

The current zoning ordinance allows one sign of 32 square feet and has been applied to all commercial buildings in the Township.

The Aspen Restaurant has been developed in conjunction with a bank and an office building, as part of an overall site development. The site plan has been approved with a single sign as allowed by the zoning ordinance, which provides signage for the entire parcel.

RECOMMENDATION:

It is recommended that the variances as requested be denied for the following reasons:

1. Compliance with the strict letter of the wall sign size requirement would not unreasonably prevent the ownership from advertising the use of the restaurant. Other commercial structures approved and planned along Hall Road have been and will be required to comply with the same wall sign size requirements which are evidence that the proper size would not be unnecessarily burdensome.

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2. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in the area along Hall Road or elsewhere in the Township. The other owners of commercial property are or will be required to comply with the wall sign size requirements. As a result the other property owners do not have the opportunity to make use of 54 additional feet of signage.

There is nothing unusual about the parcel in question that sets it apart from other parcels in area. There is nothing to prevent the sign from adequately advertising the use of this commercial property. For example, there are no historic structures or monuments or natural feature such as woodland preserve to prevent the sign from being observed by perspective patrons. Further, a wall sign has been approved and a pylon sign has been provided which may be used by The Aspen Restaurant.

3. The variance would amount to an increase of 106% of signage for the property in question.

The following letter was submitted by the petitioner dated July 16, 2004:

“Hardship. Our hardship is lack of adequate signage. The restaurant is not recognizable from hall Rd or in the parking lot area. The Aspen requests a variance for wall signs, one on the East Elevation and one on the West Elevation. These signs are channel letters on a raceway and are 32 square feet each.

This building was moved from a different location. The design and placement of the building on the current property do not lend itself readable signage off of Hall Rd. There is a small gable on the front facing Hall Rd. This gable has a two-foot overhang, which blocks the view of the sign until you pass it. Putting a sign on the east and west elevations would allow on coming traffic to identify the restaurant and have time to turn into the parking lot safely. In addition once in the parking lot the clientele would not be able to tell which building is which. Presently, Flagstar and the Office Plaza have signs that you can read from the parking area – The Aspens has no building identification that you can see from the parking lot. The main entrance is on the parking lot side but the sign is on the opposite side of the building on Hall Rd. This has created confusion and traffic problems in the parking area. The Aspen has a large contingent of senior citizen that frequent the restaurant. They have complained they can’t find us even when they are in the parking area let alone Hall Rd.

Hall Rd. is the most driven road in Macomb Twp. The Aspen is dependant on building recognition to draw clientele, especially senior citizens. Cars driving 50 MPH are past the entrance before they know it. This leads to safety issues as cars are forced to cross four lanes of traffic to make a turn around and then cross another four lanes of traffic to get into the turn lane. A sign on each elevation East/West would allow traffic enough time to get in

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the turn lane and enter the parking lot safely.

There is no plan to request a pole sign at this site as we feel the wall signs will accomplish the same visibility and keep the aesthetics of the other businesses on Hall Road.”

Greg Morgan, Phillips Sign representative, presented pictures to the members of the Board.

Greg Morgan, Phillips Sign representative, stated the hardship that Aspen has is that there is not adequate signage on the building that you can recognize the building. The sign that is on there now is on the south elevation and is behind an overhang so that you can't see the sign until you're right up on top of it. He stated the proposed signs would be one on the east elevation and one on the west elevation. Let's say it was a pole sign, for instance, you wouldn't measure both sides of the sign and count it as 86 square feet. You would measure one side of the sign which would be 32 square feet and that would be a 32 square foot sign. So in essence because your not going to see the signs all at the same time. Your going to see one whether your driving east or whether your driving west. Thats why we want to have a sign on both gables so you can see where the building is. Especially on Hall Road. Hall Road 50 MPH people are driving 50-60 MPH. There are a lot of senior citizens that go to the restaurant. They don't know and they can't recognize it they don't know where it is. There past it and have to cross four lanes of traffic to make a turn a round and then have come back and go across another four lanes of traffic to get back into the turn lane to turn into the building to find out where the building is at. There is a car wash down the street that has signage on both the east and west side of the building. The Starburst car wash also has a pole sign and has a sign on the east side and west side. It is very recognizable off of Hall Road. You can't miss it. Well, that the whole point. We want to have the sign that we have on the building now you can't even see from Hall Road. They need to have the sign on the east side and west side of the building.

Chairman FLORENCE said thank-you very much. Does anyone on the Board have a question for the petitioner?

Bob Kirk, representative, stated that since this is a variance, we have to show some practical difficulty and I thnk Greg set forth those problems that we do have. Hall Road is one of the widest roads in the area and very high speed. -----(can't understand the tape). The Sign ordinance provides to reduce over signage and things like that. In this case here we have one of the uses that causes problems. Now with the sign on the front we can't see sign going east or west. For that reason, I think the traffic safety purposes the sign on the east and west elevation would be better. -----(cant' understand the tape) Hall Road has C-3 and C-4 which allows 64 square feet rather than C-2. They have set forth what the sign would look like. Its not that big of a sign. I think it would serve the business well and serve the community well with proper identification.

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Chairman FLORENCE said thank-you and once again asked if anyone on the Board had a question for the petitioner. We can open this to the audience. Anyone in the audience care to discuss the particular issue

Public Portion:

Scott Pinter, actually live in St. Clair Shores. I am one of the gentlemen along with Rick ? which is over here in the process of buying the building from the previous owner. Um, we want to be successful in this venture as we are buying this place. We want to be a strong part of the community. Um, obviously we need this sign to be successful and survive. Um, every building needs its identity whether its just a simple address a sign etc. All we are asking for is to be all to give our building that identity. We get at least a half dozen people a week that come into the restaurant and tell us they had a tough time finding the place, we drove by it a couple times, why don't you have a sign on the building. Obviously, if you turn into the first drive you can't even see the sign because of the location on the building itself. Most cars drive 50-60 MPH down Hall Road, um the sign we have you can't see as your driving that fast from the west bound side and even from the east bound side the size of the sign is so small that you can't identify it going at that speed which also creates a safety issue. Um, you know with Hall Road being such an important part of Macomb Township and a main thoroughfare you know as people drive by our building as such fast speeds and trying to find us it creates a safety issue with traffic speeds trying to change lanes you know sometimes trying circle back and you know to come and get back by us again. We understand the responsibility you guys have with the community and upstanding ordinances as we go through out. Um, all we are asking for is approval for the sign, not just for us, but for the community. Also, we are willing to take the sign that's on the front of the building so that were not you know so far over the sign ordinance to actually take that sign down and stick it in the restaurant in the bar as a decoration of sorts or what ever. Um, obviously so that's its not that much blown out of proportion from what our ordinance is right now. Thank you

Rick ?, I live in Clinton Twp., right across the street. Ahh, Scotty's partner. Um, I think my main thing is that we are an independent. Independents have their own monies. Corporates have big corporate dollars. So if you see a TGIF you know it automatically. Nobody knows who we are. So that was the main thing. We need to have a decent sign. I mentioned here six places six types of places that people thought we were: furniture store, sporting good store, a place that serves only wild game, (I don't know why that one is) a taxidermy and a ski store. Basically, everything that were not. That is why we are here today. Thank you.

Chairman FLORENCE do you have any questions or comments sir.

Sean Connolly, 52897 Sawmill Creek, stated he felt the building was already very recognizable and most people know it. Its easy to describe and it stands out probably a lot more than other places.

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Bob Kirk, representative, I have one comment maybe Jerry can help me that building is in the proper setbacks as the ordinance existed. I think know the ordinance has changed Jerry to 75 feet off the line of -----(can't hear tape) Which would give it a proper setback that would allow better signage that. (can't hear tape) This building is set forth more towards Hall Road its really a problem. I think the problem ----(can't hear tape) from hear on out is the ordinance change.

MOTION by SELVA seconded by SLOSSON to close the public portion.

MOTION carried.

Member SELVA stated that she had found the restaurant. I know the current restaurant also has a karaoke sign on the side of the building often. Having a problem finding it, I'm not sure that's the case. The question is, is there anything that precludes you from putting a sign in front of the building at a different angle so that you would see it both ways. It seems to me the problem is the placement of the sign and not necessarily the size of the sign. You know a two sided sign as you were taking about in front of the place so that you would see it east bound or west bound seems like it would solve the problem without having to add all the signage.

Greg Morgan asked if The Aspen would be allowed to put up a poll sign in front.

Jerome R. Schmeiser, Planning Consultant, they are not. One sign is allowed for the property and they have that.

Member SELVA can that be replaced. Can they take it down and put it someplace else.

Jerome R. Schmeiser, Planning Consultant, stated that as long as one sign serves the bank, the back building and The Aspen, then yes. They are allowed one sign for the parcel.

Greg Morgan, representative, stated The Aspen does have a banner on the side of the building that says Karaoke. The pictures were taken facing west. This is also were the monument sign is for the property were Flagstar Bank has there sign and the other space is blank. From any one of these angles, or from any distance, from far away or up close you can't see any of those signs. That is why they need the signs up higher, here on the gable over at the top so that you can see it as your approaching the building, you will be able to see that is the The Aspen restaurant. Maybe during the daytime you might recognize that as The Aspen restaurant if you've been there before, but at night you can't see that building. There is no lights around it.

Chairman FLORENCE any other comments or questions.

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Member GALLAGHER stated he would like to say that this was discussed at the Planning Commission meeting. When this site was being put together that too much stuff was happening on that piece of property and there was no possible way to get adequate signage. I know that was talked about. I have heard more comments about that particular site other than they can't find the restaurant. They want to know what the sam hell a bank is doing in the middle of a parking lot. The whole center is screwed up from the word go. Whoever planned that was doing it in their sleep. Its going to be a nightmare from now on. If you get a sign, what happens to the building way in the back. He's going to want twice as big a sign as what you got cause we can't see it because your blocking them. That's what their going to say. Now we want to have three times as big a sign as what you got because were further back and that big restaurant is blocking our signs. Know we have to have a bigger sign or a higher one on top of the building. So if you start granting one variance you going you grant another variance. (outburst from audience - Were not asking for another additional pole sign.) I know, but your asking for twice as much signage as what you got, because you say you can't see the building. But when the people behind you in that office building or whatever is behind there when there customers come in and say we can't find you know there going to want a sign twice as big as you. Where does this all stop. (outburst from audience – that's a little bit different situation from a restaurant that is open till 2 o'clock in the morning and an office building that's only going to open till 5 o'clock)

Greg Morgan, not all everyone has there sign up on the front of Hall Road, there is a monument sign there and the office building in the back has a space on the bottom of the monument sign along with Flagstar which has a larger portion of that sign which was dedicated to them along with a large Flagstar sign on the bank. Whether it was poor planning that the parking lot or buildings were laid out in the fashion that they were is kind of water under the bridge now. Were trying to take care of The Aspen that's actually the main tenant there and has one of the larger buildings. The building is open at night time and needs to have signage on it so people can see where the building is at.

Bob Kirk, representative, stated the issue is not the zoning of C-2 is not extremely different than C-3 or C-4 along Hall Road, but the signage doubles in the C-3 or C-4 and is basically the same commercial uses.

Member GALLAGHER stated you yourself got the sign on the front building and where does the front of the building face?

A representative replied but can't clearly hear on the tape.

Member GALLAGHER stated the back of the building faces Hall Road, right. The front of the building faces the parking lot.

Representative stated The Aspen is willing to take that sign down. They don't want to have three signs on the building. They want to corporate with the Board and not to over sign the

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building. But just to have the signs in the proper places so that there visible and close so that the clientele can find were the building is at.

MOTION by GALLAGHER seconded by POPOVSKI to deny the variance request of Section 10.0605(I)(6)(c)-Request to increase a sign from 32 square feet to 86 square feet; Located on the north side of Hall Road, west of Heydenreich Road, Section 33; The Aspen, Petitioner. Permanent Parcel No. 08-33-478-001. The variance was denied due to the fact the petitioner has shown no hardship or practical difficulty other than people can't find the building. There's an address on the building, so I'm sure they can find the address. My concern is if you start granting the variance for this sign its not going to stop on that particular parcel. Its going to be granting this applicant an advantage not enjoyed by others in the Township. The sign ordinance I think is proven that it works. The sign ordinance if the sign is designed properly and used properly our ordinance works. We have numerous people, not numerous, but some people come in and request these larger signs and there has been no need for these larger signs. You have to come up with a situation or a solution to the problem within our ordinance. There's an ordinance and I think it should comply. This piece of property has no special unique features. There's nothing unique about this piece of property. Its not on top of a hill, its not sitting down in a gully, its not behind a hill there's nothing unique about it except the design of it. That's something you have to live with. (Bob Kirk stated this should be treated like other business along Hall Road, if there zoned C-3 or C-4 which I don't think makes that much difference on Hall Road, its still a 55 MPH or whatever its is and however wide it its. Being that its C-2 there we are stuck with half the amount of sign as someone would have with a C-3 or C-4 right next door). GALLAGHER-But that's the zoning that had been requested. If you measure the sign and you boxed it like this and you compact this sign is 32 square feet. So actually the only thing that were asking is that were allowed to put an additional sign on the west elevation. GALLAGHER-why can't you put that sign on the front of the building facing the road? Greg Morgan stated because it's parallel to the road. GALLAGHER-so whats the difference, they'll see it when they go by. Greg Morgan-They can't see it. GALLAGHER-They'll see it when they go by. Greg Morgan-Yes, they'll see it when they go by. GALLAGHER-first time it's a mistake, second time its stupidity. They can't find the building the second time its there problem. Greg Morgan-we have clientele that are senior citizens and your asking them to drive and maneuver on Hall Road, I think your asking a lot of them. GALLAGHER-I'm a senior citizen, I have not problem on Hall Road. Greg Morgan-I'm 57 years myself and I have some trouble driving on Hall Road when I want to cross over traffic and try to find the turn-a-round lane. I think it's a safety hazard. If they can see the building, if they can see the sign on the building before you get to the building then you know that your going to turn into and you get into the turning lane and you deaccelerate and you use the road as its suppose to be. If have to wait until you are right on top of the sign because the sign is behind an overhang facing south and its parallel to the road, then you already passed the building. Then you have to

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cross, and your in the turn lane you have to cross over four lanes of traffic going at least 50 MPH. GALLAGHER-I would agree with you except one thing. This isn't a McDonalds or a Burger King, this is an Aspen Restaurant. When I leave home, I know I'm going to that Aspen Restaurant. I'm not driving to that restaurant because I'm going to Pontiac and I happen to get hungry. If I get hungry I'm stopping at Burger King. When you go that Aspen Restaurant, you know when you leave home where you're going. Grey Morgan-why would I have to squint my eyes to try to find the place when I know that's exactly where I'm going. Audience-Mr. Gallagher, you mentioned the people on this side of town, we don't have a problem with them. It's the people from let's say St. Clair Shores coming out, the guy from Pontiac coming out. Those are the people that can't find the place. If I was a McDonalds I wouldn't need a sign because you can see the golden arches. You spoke of hardship, I think the main reason anybody ever came there, while they moved the restaurant from the lake over to here. So everybody knew, well it's the old Garwoods. We still get called the Old Garwoods. I have no identity. GALLAGHER-if the building was turned around they would recognize it. Audience-I inherited the problem. I wished I didn't. GALLAGHER-why would you want to have the building facing Hall Road, it's stupid, absolutely stupid. But they fell within the ordinance so we had to approve it. That doesn't make it right. They built that building according to the ordinance and the Planning Commission had to approve it. It doesn't make it right. Chairman FLORENCE stated we have a motion on the floor. Is there a second. Member POPOVSKI.

NAY-SELVA and SLOSSON.
MOTION carried.

6. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section:
10.0704 3(d)-Request to develop parcel which exceeds 3 to 1 depth to width ratio.
10.0704 3(b)-Request to develop two parcels with 0 feet frontage
10.0704(1)-Request to reduce required setback from 90' to 68.4'
Located on the North side of 22 Mile Road 300'± west of Marseilles; Section 21;
Craig S. Pomaville, Petitioner. Permanent Parcel No. 08-21-352-002

Chairman FLORENCE read the findings and recommendations of September 9, 2004.
They are as follows:

The petitioner is requesting variances to allow the division of the above described property.

The property measures 97.85' x 889.88' and contains 2.0 acres. A residence exists on the south portion of the property and fronts on 22 Mile Road.

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The property to the east is zoned R-1 and contains homes backing to the parcel in question and fronting on Marseilles.

The property to the north and to the west, is zoned R-1 and contains developing subdivisions. A stub street has been provided from the subdivision west of the parcel in question in the approximate center of the petitioner's parcel.

The petitioner is planning to parcel off the residence which fronts on 22 Mile and create two new parcels fronting on the extended stub street from the west. The plan provided indicates that the 60-foot wide extension will terminate on the east side of the petitioner's property. This 60' x 97.85' will be dedicated to the Road Commission of Macomb County. No indications have been made as to whether the proposed right of way will be improved.

According to the Road Commission of Macomb County, dedications of road right-of-way are only accepted with all improvements either bonded for or installed and include all utilities, paving, sidewalks, etc.

RECOMMENDATION:

It is recommended that the variances as requested be granted for the following reasons:

1. The petitioner did not create the non-conformity of this parcel. It has existed for many years with the dimension of 97.85' x 889.88'. The property surrounding the property in question has developed for single family purposes with a stub street from the west. The stub street was required as part of the land division ordinance in the development of the Middlecreek Subdivision to the west.
2. Parcel A, although exceeding the 3 to 1 ratio cannot be developed in any other fashion without the assemblage of land fronting on Marseilles.
3. By granting the variance for the setback of the house the applicant would not be given an advantage or benefit over other property owners in the area. A variance was granted to permit the owner of parcel 08-21-377-020 to reduce the front setback from 90' to 74' on May 11, 2004. The facts and circumstances of that request are similar if not a mirror of the present request.

The front yard cannot be maintained at the required 90' without removing the existing structure. Since the existing structure does not interfere with present road operations the community interest in maintaining said front yard is not immediate. The variance if granted does not prevent the RCMC (Road Commission of Macomb County) from obtaining future right-of-way for 22 Mile Road.

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This recommendation is made with the condition that the petitioner will improve and dedicate the proposed public right-of-way separating parcels A and B and produce an approval of the dedication and improvements from the Road Commission of Macomb County prior to the variance becoming final and recorded. Further, the petitioner must secure split approval from the Macomb Township Assessor's Office.

The following letter was submitted by the petitioner dated August 13, 2004:

- “1. Proposed Parcel A currently exceed the 3 to 1 depth to width ratio requirement. Due to location of the Grisham Drive Public R.O.W. within Middlecreek Estates our depth of Parcel A has already been determined.
2. Parcel A & B will have the minimum required frontage on a public road when the proposed R.O.W. is recorded and accepted by the Macomb County Road Commission.
3. The existing residence which will remain on proposal C does not meet the minimum setback requirement of 90'. Currently the house is 68.4' from the centerline of 22 Mile Road. This is the original location where the residence was constructed. Without the granting of the above noted variances, the applicant will be unable to create the proposed parcel splits and building sites for single family homes.”

John Wright, representative, stated his client intends to create the parcels and restore the house. He also noted the intention to dedicate the road-right-way for Grisham and that it was currently being reviewed by the Macomb County Road Commission.

Jerome R. Schmeiser, Planning Consultant, stated an issue has been raised concerning the turn-a-round and presented four (4) possible options.

John Wright stated the intention is to develop a “T” intersection and provide an easement. He also noted the plans are currently submitted to Spalding and DeDecker and the Macomb County Road Commission for review.

Member POPOVSKI asked if there was a proposed time frame.

John Wright stated it would most likely occur during the next construction season.

Public Portion:

Charlene Zdanio, 49215 Marsilles, asked what would be provided in the greenbelt and who would take care of it.

Jerome R. Schmeiser, Planning Consultant, stated it would be left up to the lot owners.

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Craig Pomaville, petitioner, stated that when Grisham is extended he would remove the existing pine trees and transplant them within the greenbelt.

MOTION by GALLAGHER seconded by SLOSSON to close the public portion.

MOTION carried.

The following resolution was offered by SELVA and seconded by POPOVSKI:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved that pursuant to the action of the Board that Section 10.0704(d)-Request to develop parcel which exceed 3 to 1 depth to width ratio; Located on the north side of 22 Mile Road, approximately 300 feet west of Marseilles; Section 21; Craig Pomaville, Petitioner. Permanent Parcel No. 08-21-352-002. The variance was granted and conditioned upon the Township Engineer approving the plan for the improvements including paving, all utilities, sidewalks on both the new street and the 22 Mile Road frontage and the method of turn around, the details of how the trees will be moved to the 20 foot landscape area, produce an approval of the dedication or improvements to the turn-a-round to the satisfaction of the Macomb County Road Commission, the provision of the 60 foot street easement extended to the east property line and the variance being recorded with the Register of Deeds Office.

MOTION carried.

The following resolution was offered by SELVA and seconded by POPOVSKI:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved that pursuant to the action of the Board that Section 10.0704(b)-Request to develop parcel which exceed 3 to 1 depth to width ratio; Located on the north side of 22 Mile Road, approximately 300 feet west of

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Marseilles; Section 21; Craig Pomaville, Petitioner. Permanent Parcel No. 08-21-352-002. The variance was granted and conditioned upon the Township Engineer approving the plan for the improvements including paving, all utilities, sidewalks on both the new street and the 22 Mile Road frontage and the method of turn around, the details of how the trees will be moved to the 20 foot landscape area, produce an approval of the dedication or improvements to the turn-a-round to the satisfaction of the Macomb County Road Commission, the provision of the 60 foot street easement extended to the east property line and the variance being recorded with the Register of Deeds Office.

MOTION carried.

The following resolution was offered by SELVA and seconded by POPOVSKI:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved that pursuant to the action of the Board that Section 10.0704(1)-Request to develop parcel which exceed 3 to 1 depth to width ratio; Located on the north side of 22 Mile Road, approximately 300 feet west of Marseilles; Section 21; Craig Pomaville, Petitioner. Permanent Parcel No. 08-21-352-002. The variance was granted and conditioned upon the Township Engineer approving the plan for the improvements including paving, all utilities, sidewalks on both the new street and the 22 Mile Road frontage and the method of turn around, the details of how the trees will be moved to the 20 foot landscape area, produce an approval of the dedication or improvements to the turn-a-round to the satisfaction of the Macomb County Road Commission, the provision of the 60 foot street easement extended to the east property line and the variance being recorded with the Register of Deeds Office.

MOTION carried.

7. OLD BUSINESS

None.

8. NEW BUSINESS

None.

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9. PLANNING CONSULTANTS COMMENTS

Jerome R. Schmeiser, Planning Consultant, stated the next regular scheduled meeting was November 9, 2004.

10. Motion to Receive and File all correspondence in connection with this agenda.

MOTION by GALLAGHER seconded by SLOSSON to receive and file all correspondence.

MOTION carried.

ADJOURNMENT

MOTION by SLOSSON seconded by POPOVSKI to adjourn the meeting at 7:55 P.M.

MOTION carried.

Respectfully submitted,

Brian Florence, Chairman

Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary
BK